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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,607	03/06/2001	Robert Olan Keith JR.	ABREAU-00104	2648
28960	7590	10/06/2004	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/800,607	Applicant(s) KEITH, ROBERT OLAN	
	Examiner CamLinh Nguyen	Art Unit 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to claims 1 – 44 are acknowledged. Consequently, claims 1, 12, 23, and 35 have been amended. Claims 1 – 44 are currently pending.

Response to Arguments

2. Applicant's arguments filed 06/01/04 have been fully considered but they are not persuasive.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the parametric search can be applied to the first two levels of the hierarchical data structure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

♦ Applicant argues that Witek does not teach that the parametric search can be applied to the first two levels of the hierarchical data structure that is the searching process performed in the category search of the first part. Specifically, Witek does not teach performing a parametric search from any node within the hierarchical data structure. The Examiner respectfully disagrees.

Firstly, the Applicant does not claim that the parametric search method can be applied or limited to the first two levels of the hierarchical data structure. The claims do not claim this feature.

Secondly, Witek does disclose parametric search in the invention. Referring to Fig. 10, there are at least four different search methodologies are available: parametric, keyword,

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hierarchical, and dichotomous key search (See the rejection). Witek provides the options for the user to set parameters in order to get a specific result in a specific node/sub node. This node/ sub node is the node that represents the hierarchical tree structure. Therefore, the parametric search is available in any node in the tree structure.

♦ Applicant argues that Witek does not teach that each node within the directory tree structure provides a corresponding set of parameters. The Examiner respectfully disagrees.

Referring to Col. 31, lines 1 – 8, Witek teaches that a single parametric can be search to narrow the search result, and at Col. 46, lines 58 – 67, the user is provided with plurality of options for searching the result. The user can start another search (choosing another category) or narrow the current result (setting parameters). Clearly, Witek does disclose that each node provides a corresponding parameter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Witek et al (U.S. 6,253,188).

♦ As per claim 1, 12, 23, 35,

Witek teaches a method of accessing information in a searchable database comprising:

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- “The searchable database is formatted in a directory tree structure” See Fig. 4, col. 11, lines 20 – 25, col. 18, lines 1 – 32.
 - “The directory tree structure includes nodes ... branches” See fig. 4. Each category corresponds to a node. All nodes are linked together.
 - “Wherein each specific node provides a corresponding set of parameters by which each related item of data corresponding to the specific node is defined by setting each parameter with a corresponding value associated with the data item, thereby forming a set parameter” see Fig. 3 - 4, col. 15, lines 25 – 26, col. 51, lines 1 – 11. There are pluralities of nodes in Fig. 4. Node 60, for example, includes a corresponding parameter.
 - “Accessing a particular node within the directory tree structure” See Fig. 8 – 10. A user can specify the resource by selecting a category and set up one or more set parameters as shown in Fig. 10.
 - “Setting one or more search parameters corresponding to the set of parameters of the particular node” See Fig. 10, col. 30, lines 47 – 49.
 - “Performing a parametric search using the one or more set search parameters ... generating one or more matching discrete data items” See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29. “One or more matching items” corresponds to the results that sent to user (Fig. 7, element 126 – 128).
- ♦ As per claims 2, 13, 24, 36,
- “The parameters are customizable and specific to the particular node” See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29.
- ♦ As per claim 3, 14, 25, 37,

- “Utilizing a selective one or more.... dichotomous key search” “ A dichotomous key search” See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in the Specification a “dichotomous key search” is used to instruct users given in an answer or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the users the options of answer questions by checking the boxes. Therefore, this search option is corresponding to the “dichotomous key search”.

◆ As per claim 4, 15, 26, 38,

- “The search criteria is one or more keywords input by a user” See Fig. 10, element 148, col. 29, lines 28 – 34.

◆ As per claim 5, 16, 27, 39,

- “The utilized search methodology is the hierarchical search, the search criteria is selected one of a list of one or more directory items” A “hierarchical search” corresponds to “category search” because the categories include subcategories that organized in a hierarchical order. See Fig. 4, 6 – 7, col. 31, lines 4 – 11.

◆ As per claim 6, 17, 28, 40,

- “The utilized search methodology is the dichotomous key search, the search criteria is a selected one of two binary items” See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in the Specification a “dichotomous key search” is used to instruct users given in an answer or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the users the options of answer questions by checking the boxes. Therefore, this search option is corresponding to the “dichotomous key search”.

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◆ As per claim 7, 18, 29, 41,

- “The searchable database is distributed into more than one physical location” See Fig. 1, element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44.

◆ As per claim 8 – 9, 19 - 20, 30 – 32, 42,

- “Performing a parametric search are performed by a server” See Fig. 1, 5A, col. 25, lines 13 – 33.
- “Establishing an Internet connection with the server to utilize the search methodologies” See Fig. 5a, element 14, 24, col. 21, lines 15 – 20.

◆ As per claim 10 – 11, 21 – 22, 33 – 34, 43 – 44,

- “Maintaining the node by appropriately adding and deleting data to and from the node” See col. 50, lines 4 – 15 of Witek.
- “The node owner maintains ownership of the corresponding node” See Fig. 14, col. 50, lines 4 – 15 of Witek. “A node owner” corresponds to the system administrator.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951.

The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 – 272 – 4024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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